

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN. (CONTEMPT PETITION) No 235 of 1996

in

SPECIAL CIVIL APPLICATION No 131 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and Sd/-

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO  
1 to 5 No

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SHANTILAL JOITARAM PATEL

Versus

SECRETARY COOPERATION DEPTT  
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Appearance:

MR PK JANI for Petitioner  
MR BH CHHATRAPATI for Respondent No. 1  
NOTICE SERVED for Respondent No. 2  
M/S THAKKAR ASSOC. for Respondent No. 3  
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CORAM : MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE D.H.WAGHELA

Date of decision: 14/12/1999

ORAL JUDGEMENT (Per R.K.Abichandani, J.)

The grievance of the applicant was that, since the directions of the High Court contained in the order dated 10.4.1996 passed in Special Civil Application No.131 of 1989 were not complied with fully, contempt proceedings should be initiated against the respondents. From the facts disclosed in the application, it transpires that the applicant was paid a sum of Rs.5,08,608.90 pursuant to the orders of this Court. In the affidavit-in-reply dated 7.2.1998, the concerned respondent has stated that the order of the High Court has been complied with by making the payment mentioned therein. It is also stated that certain amounts claimed by the applicant are not paid. We are satisfied from the affidavit that there is no wilful disobedience of the order of this Court. There is therefore no valid ground for initiating any contempt proceedings against the respondents. It will be open for the applicant to claim any disputed amount before the appropriate forum. Rule is discharged with no order as to costs.

Sd/-

( R.K.Abichandani, J.)

Sd/-

( D.H.Waghela, J.)

(KMG Thilake)

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